



LOUISIANA Addictive Disorder Regulatory Authority

December 15, 2021

Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

RE: Request for Advisory Opinion

Dear Louisiana Board of Ethics:

I, Roy Bass, serve as Chairman of the Addictive Disorder Regulatory Authority (ADRA). This advisory opinion request is being made on behalf of the Addictive Disorder Regulatory Authority. The address of the Addictive Disorder Regulatory Authority is 4919 Jamestown Avenue, Baton Rouge, LA 70809. Any correspondence may be sent to me, Roy Baas, Chairman, Addictive Disorder Regulatory Authority, at that address.

The laws regarding the ADRA are found in the Addictive Disorder Practice Act, La. R.S. 37:386-3390.6. The ADRA is created within the Department of Health. The ADRA issues credentials for license, certification, registration or status recognition of the following:

- (1) Licensed addiction counselor, La. R.S. 37:3387;
- (2) Certified addiction counselor, La. R.S. 37:3387.1;
- (3) Registered addiction counselor, La. R.S. 37:3387.2;
- (4) Counselor-in-training, La. R.S. 37:3387.3;
- (5) Addiction treatment assistant, La. R.S. 37:3387.4;
- (6) Certified clinical supervisor, La. R.S. 37:3387.5;
- (7) Certified compulsive gambling counselor, La. R.S. 37:3387.6;
- (8) Licensed prevention professional, La. R.S. 37:3387.10;
- (9) Certified prevention professional, La. R.S. 37:3387.11;
- (10) Registered prevention professional, La. R.S. 37:3387.12; and
- (11) Certified prevention supervisor, La. R.S. 37:3387.14.

The ADRA is authorized by law to employ an executive director, an administrative director and an administrative assistant to carry out the provisions of the Act. See La. R.S. 37:3386.2D. The current executive director has announced her decision to resign; and the ADRA is in the process of interviewing individuals for the position of executive director. The position is a part time position limited to 32 hours of work per week.

ADDICTIVE DISORDER REGULATORY AUTHORITY
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Attached as Attachment A to this letter are the job descriptions for the ADRA's three employees, the Executive Director, the Assistant Executive Director, and the Administrative Assistant. As you can see, the Executive Director plays only an oversight role to the ADRA employees for the processing of licensing applications. If there is an issue, the Executive Director will step in to find a resolution. The Assistant Director reviews and processes all credentialing applications. The Administrative Assistant processes all in-training status applications. All three employees must have a working knowledge of the statute and rules in order to enforce the requirements for every credential. The ADRA Board makes all final decisions on applications and the issuance of licensing.

There is a renewal process set forth in La. R.S. 37:3388 which requires each licensed, certified and registered addiction counselor to renew credentials every two years by providing documentation of successful completion of 48 hours of board approved continuing education courses during the two year period prior to renewal.

Renewal requirements for other credentials are provided throughout the statute, each requiring a specific number of continuing education hours. See La. R.S. 37:3388.1 for counselors in training renewal, La. R.S. 37:3388.2 for clinical supervision, prevention supervision and compulsive gambling counselor renewals.

All applications and renewal processes are outlined in the credentialed individual's portal on the credentialing management website (Certemy.com).

Complaints are received regarding licensed individuals. The procedure for the disciplinary process is outlined in Board Rules, see LAC 46:LXXX. Chapter 9, Sections 901 through 929, a copy of which is attached hereto as Attachment B, with each mention of executive director highlighted in the attachment.

Individuals who are licensed by the ADRA have expressed interest in the executive director position.

The ADRA, through its Chairman, Roy Baas, is seeking an advisory opinion from the Board of Ethics as to whether the Louisiana Code of Governmental Ethics prohibits a person licensed, certified, registered or holding any credential issued by the ADRA from holding the executive director position. And, if so, whether such an individual would be prohibited from practice using any credential issued by the ADRA while serving as executive director of the ADRA. If allowed, we would limit any such practice to the hours not working for the ADRA.



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A further opinion is solicited here with respect to an individual not holding a license, certification or status issued by the ADRA but who owns, operates, or works at a facility which employs individuals licensed, certified, registered or holding a status or credential issued by the ADRA. (We note that the ADRA does not license facilities, only licenses individuals.)

For instance, there is one applicant who owns 100% of a facility that employs those licensed and/or credentialed by the ADRA. This applicant provides administrative supervision and financial oversight to the facility. The applicant owns the facility but does not hold a license or status issued by the ADRA. A facility owner can only be responsible for clinical supervision of an ADRA licensee if the facility owner holds a higher license than an employee also licensed by the ADRA.

Would the Code of Governmental Ethics prohibit this particular facility owner from holding the executive director position with the ADRA?

If additional facts are needed for consideration of this advisory opinion request, please advise.

Very truly yours,

ROY BAAS, Chairman

Enclosures

cc: Celia Cangelosi